

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(Case No. 65850-105-4.; S-072I)**

In re Application of:

Brewer et al.

Serial No.: 08/484,337

Filed: June 7, 1995

For: NUCLEIC ACIDS ENCODING TNF INHIBITOR  
 AND METHOD OF PRODUCTION (as amended)

) Group Art Unit: 1646

) Examiner: G. Draper

**RECEIVED**

DEC 02 1999

OFFICE OF PETITIONS  
 DEPUTY A/C PATENTS

Asst. Commissioner for Patents  
 Washington, DC 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**  
**(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified

- application  
 patent

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

The undersigned hereby appoints the following:

Denis A. Berntsen	Reg. No. 26707	Anthoula Pomrenning (agent)	Reg. No. 38805
John J. McDonnell	Reg. No. 26949	George I. Lee	Reg. No. 39269
Daniel A. Boehnen	Reg. No. 28399	James M. McCarthy	Reg. No. 39296
Bradley J. Hulbert	Reg. No. 30130	Jeremy Noe (agent)	Reg. No. 40104
Paul H. Berghoff	Reg. No. 30243	Sean M. Sullivan	Reg. No. 40191
Grantland G. Drutchas	Reg. No. 32565	Audrey L. Bartnicki	Reg. No. 40499
Steven J. Sarussi	Reg. No. 32784	Amir N. Penn	Reg. No. 40767
David M. Frischkorn	Reg. No. 32833	Patrick J. Halloran (agent)	Reg. No. 41053
James C. Gumina	Reg. No. 32898	Joshua R. Rich	Reg. No. 41269
A. Blair Hughes	Reg. No. 32901	Thomas E. Wettermann	Reg. No. 41523
Thomas A. Fairhall	Reg. No. 34591	Vernon W. Francissen	Reg. No. 41762
Emily Miao	Reg. No. 35285	Robert J. Irvine	Reg. No. 41865
Kevin E. Noonan	Reg. No. 35303	Richard A. Machonkin	Reg. No. 41962
Leif R. Sigmond, Jr.	Reg. No. 35680	David S. Harper	Reg. No. 42636
Lawrence H. Aaronson	Reg. No. 35818	Christopher D. Agnew (agent)	Reg. No. 43464
Matthew J. Sampson	Reg. No. 35999	Stephen Lesavich	Reg. No. 43749
Curt J. Whitenack	Reg. No. 36054	Enrique Perez	Reg. No. 43853
Christopher M. Cavan	Reg. No. 36475	Marcus J. Thymian	Reg. No. 43954
Michael S. Greenfield	Reg. No. 37142	Emanuel J. Vacchiano (agent)	Reg. No. 43964
Roger P. Zimmerman	Reg. No. 38670		

the mailing address and telephone number of each of whom is McDONNELL BOEHNEN HULBERT & BERGHOFF,  
 300 South Wacker Drive, Suite 3200, Chicago, Illinois 60606, and (312) 913-0001;

and

Steven M. Odre 29094  
Ron K. Levy 31539

Thomas D. Zindrick 32185  
Timothy J. Gaul 33111

the mailing address and telephone number of each of whom is AMGEN INC., One Amgen Center Drive, Thousand Oaks, California 91320-1799, and (805)447-1000;

with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please direct all correspondence to: John J. McDonnell, McDonnell Boehnen Hulbert & Berghoff, 300 South Wacker Street, Chicago, IL 60606, (312) 913-0001.

#### EVIDENCE AND CERTIFICATION OF CHAIN OF TITLE

- Assignment by Inventors to Amgen Boulder Inc. (copy attached) was recorded in PTO on March 29, 1996.  
 Reel 7907  
 Frame 0705

and

- Certificate of Ownership and Merger of Amgen Boulder Inc. to Amgen Inc. is recorded herewith (copy attached).

#### ASSIGNEE CERTIFICATION

In accordance with 37 C.F.R. § 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Date: 11-30-99

AMGEN INC. (holder and owner of title and interest by way of merger to Amgen Boulder Inc., which was previously known as Synergen Inc.)

Signature

Name: Steven M. Odre  
 Title: Vice President, Intellectual Property  
 and Associate General Counsel



ASSIGNOR:  
VANDERSLICE, REBECCA W.

DOC DATE: 12/20/1995

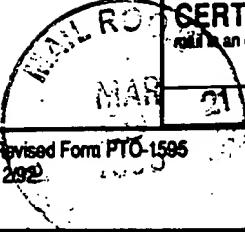
ASSIGNEE:  
AMGEN BOULDER INC.  
3200 WALNUT STREET  
BOULDER, COLORADO 80301

SERIAL NUMBER: 08484337  
PATENT NUMBER:

FILING DATE: 06/07/1995  
ISSUE DATE:

KEITH GOODE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

MRD 3.29.96

 <b>SERTIFICATE OF MAILING:</b> I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Attn: Application Divn., Washington, D.C. 20231, on the date appearing below.		<i>Ronda G. Spahr</i> <b>Ronda G. Spahr</b>	
		<b>March 25, 1996</b> <small>(Date)</small>	
<small>Revised Form PTO-1585 12/92</small>		<b>REC</b>  <b>04-30-1996</b>	U.S. Department of Commerce Patent and Trademark Office
<b>To the Honorable Commissioner of Patents</b>			
<b>1. Name of conveying party(ies):</b> Michael Karin K. Hale, Robert C. Thompson, Tadanori Kuroda, Charles Squires, James L. Vannice, Michael W. King, and Rebecca W. Vanderslice			
100183691 <b>final documents or copy thereof.</b> <b>receiving party(ies):</b>			
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>3. Nature of conveyance:</b> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other			
Execution Dates: <b>Dec. 7, 11, 12, 18, 19, 20, 23, 1995</b>			
Street Address: <b>3200 Walnut Street</b> City: <b>Boulder</b> State: <b>CO</b> Zip: <b>80301</b>			
Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>4. Application number(s) or patent number(s):</b> 08/484,337, filed <b>June 7, 1995</b> If this document is being filed together with a new application, the execution date of the application is: <b>A. Patent Application No.(s)</b> <b>B. Patent No.(s)</b>			
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>5. Name and address of party to whom correspondence concerning document should be mailed:</b>			
Name: <b>Law Dept./Debra Hickey</b> Internal Address: <b>MS AB 3A</b> <b>Amgen Boulder Inc.</b>			
<b>6. Total number of applications and patents involved:</b> <b>1</b>			
<b>7. Total fee (37 CFR 3.41)</b> <b>\$ 40.00</b>			
<input type="checkbox"/> Enclosed			
<b>8. <input checked="" type="checkbox"/> Authorized to be charged to Deposit Account No. 01-0519</b> <b><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional filing fees which may be required or credit any overpayment to Deposit Account No. 01-0519</b>			
<b>DO NOT USE THIS SPACE</b>			
<b>9. Statement and signature.</b> <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>			
<b>Thomas D. Zindrick</b> <small>Name Of Person Signing</small>		 330 BA 01-0519 04/02/96 08484337 33281 581 40.00CH Date Total number of pages comprising cover sheet: <b>10</b>	

## ASSIGNMENT

Whereas, we, Michael T. Brewer, 2236 Mapleton Avenue, Boulder Colorado 80304 U.S.A.  
Karin K. Hale, 3545 28th Street #107, Boulder, Colorado 80301 U.S.A.  
Robert C. Thompson, 1820 Lehigh Street, Boulder, Colorado 80303 U.S.A.  
Tadahiko Kohno, 1557 Hays Court, Louisville, Colorado 80027 U.S.A.  
Charles Squires, 66 Lazy Lane, The Woodlands, Texas 77380 U.S.A.  
James L. Vannice, 2277 Holyoke, Boulder, Colorado 80303 U.S.A.  
Michael W. King, 333 Gardendale Road, Terre Haute, Indiana 47803 U.S.A.  
Rebecca W. Vanderslice, 1011 Tantra Park Circle, Boulder, Colorado 80303 U.S.A.

have made an invention which is the subject of an application for Letters Patent of the United States ("Application") entitled  
TUMOR NECROSIS FACTOR (TNF) INHIBITOR AND METHOD FOR OBTAINING SAME

which is found in:

- (a) the U.S. Patent Application executed on even date herewith;  
 (b) the U.S. Patent Application executed on \_\_\_\_\_;  
 (c) U.S. Application Serial No. 08/484,337 filed on June 7, 1995;  
 (d) U.S. Patent No. \_\_\_\_\_.

Whereas AMGEN BOULDER INC., a Delaware corporation having its principal place of business at 3200 Walnut Street, Boulder, Colorado 80301-2549, wishes to acquire the entire interest in all inventions disclosed in such Application:

Now, therefore, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over unto AMGEN BOULDER INC., its successors and assigns (collectively "AMGEN") our entire right, title and interest in to and under the Application, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all Letters Patent of the United States and of all other countries which may be granted for such inventions, or any of them, including divisional, continuation, and/or continuation-in-part applications based on the above-identified Application, all such inventions and all rights in such Application and Letters Patent to be held and enjoyed by AMGEN for its own use and enjoyment to the full end of the term or terms for which such Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by us had this assignment and sale not been made.

We authorize and request the Commissioner of Patents and Trademarks of the United States to issue any such Letters Patent which may be granted on the Application to AMGEN as assignee of the entire right, title and interest therein and thereto.

For ourselves and for our legal representatives, we covenant and agree with AMGEN that we have not granted to any others any license to make, use or sell any of such inventions, that our right title and interest in such inventions has not been encumbered, that we have good right and title to sell and assign the same, and that we will not execute any instrument in conflict herewith.

Assignment/Multiple Inventors (cont'd)

Docket No. SYNE072USI

For ourselves and for our heirs, successors and legal representatives, we further covenant and agree with AMGEN that upon request we and they will: (i) execute continuing, divisional or reissue applications, amended specifications, or rightful declarations or oaths; (ii) communicate to AMGEN any facts known to us or them relating to such inventions or the history thereof; (iii) execute preliminary statements and testify in any interference proceedings or litigations; (iv) execute and deliver any application papers, assignments, or other instruments; and (v) do all other acts which, in the opinion of counsel for AMGEN, may be necessary or desirable to secure the grant of Letters Patent to AMGEN or its nominees, in the United States and in all other countries where AMGEN may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by counsel for AMGEN and to vest and confirm in AMGEN or its nominees, the full and complete legal and equitable title to all such Letters Patent, without further consideration than that now paid but at the expense of AMGEN.

In Witness Whereof I have executed this assignment on the 7<sup>th</sup> day of December 1995.

Michael T. Brewer

(Signature of Inventor)

UNITED STATES OF AMERICA

State of Colorado }  
County of Boulder } ss

December 7 1995

Before me, a Notary Public for Boulder County, State of Colorado, personally appeared \_\_\_\_\_

Michael T. Brewer

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Debra E. Hickey  
Notary Public

My commission expires:

Sept. 19 1999

Assignment/Multiple Inventors (cont'd)

Docket No. SYNE072USI

In Witness Whereof I have executed this assignment on the

18<sup>th</sup> day of Dec 1995

Karin K. Hale

(Signature of inventor)

UNITED STATES OF AMERICA

State of Colorado

}

ss

County of Boulder

December 18 1995

Before me, a Notary Public for Boulder County, State of Colorado, personally appeared Karin Hale

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Dennis E. Hickey  
Notary Public

My commission expires:

Sept 19 1995

Assignment/Multiple Inventors (cont'd)

Docket No. SYNE072USI

In Witness Whereof I have executed this assignment on the 12 day of December 1995

Robert C. Thompson

Robert C. Thompson  
(Signature of inventor)

UNITED STATES OF AMERICA

State of Colorado

}

ss

County of Boulder

December 12 1995

Before me, a Notary Public for Boulder County, State of Colorado, personally appeared Robert Thompson

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Rebecca E. Hickey  
Notary Public

My commission expires:

Sept 19 1999

Assignment/Multiple Inventors (cont'd)

Docket No. SYNE072USI

In Witness Whereof I have executed this assignment on the 11 day of December 1995

Tadahiko Kohno

Tadahiko Kohno  
(Signature of inventor)

UNITED STATES OF AMERICA

State of Colorado

} ss

County of Boulder

11 December 1995

Before me, a Notary Public for Boulder County, State of Colorado, personally appeared Tadahiko Kohno

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument:

WITNESS my hand and official seal.

Debra E. Hickey  
Notary Public

My commission expires:

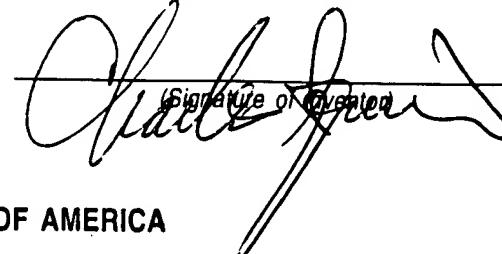
Dept 19 1995

Assignment/Multiple Inventors (cont'd)

Docket No. SYNE072USI

In Witness Whereof I have executed this assignment on the 14<sup>th</sup> day of December 1995.

Charles Squires

  
(Signature of Inventor)

UNITED STATES OF AMERICA

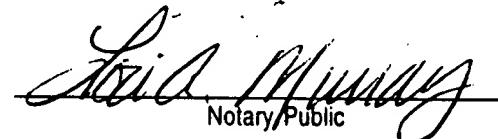
State of Texas  
County of Montgomery } ss

12/23 1995

Before me, a Notary Public for Montgomery County, State of Texas personally appeared Charles Squires

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

  
Notary Public

My commission expires:

12/23 1995



Assignment/Multiple Inventors (cont'd)

Docket No. SYNE072USI

In Witness Whereof I have executed this assignment on the 19<sup>th</sup> day of December 1995

James L. Vannice

James L. Vannice  
(Signature of inventor)

UNITED STATES OF AMERICA

State of Colorado

} ss

County of Boulder

December 19 1995

Before me, a Notary Public for Boulder County, State of Colorado, personally appeared \_\_\_\_\_

James L. Vannice

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Debra J. Hickey  
Notary Public

My commission expires:

Sept 19 1999

Assignment/Multiple Inventors (cont'd)

Docket No. SYNE072USI

In Witness Whereof I have executed this assignment on the 12th day of December 1995

Michael W. King

*[Signature]*  
(Signature of Inventor)

UNITED STATES OF AMERICA

State of Indiana

County of Vigo

} ss

December 12, 1995

Before me, a Notary Public for Vigo County, State of Indiana, personally appeared Michael W. King

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

*Wendy S. Huss*  
Wendy S. Huss Notary Public

My commission expires:

June 18, 1999

19

Assignment/Multiple Inventors (cont'd)

Docket No. SYNE072USI

In Witness Whereof I have executed this assignment on the 20th day of December 19 95.

Rebecca W Vanderslice

Rebecca W Vanderslice  
(Signature of inventor)

UNITED STATES OF AMERICA

State of Colorado

County of Boulder

} ss

December 20 1995

Before me, a Notary Public for Boulder County, State of Colorado, personally appeared \_\_\_\_\_

Rebecca W Vanderslice

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Debra E. Hickey  
Notary Public

My commission expires:

Sept 19 1999

*State of Delaware*  
*Office of the Secretary of State*

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AMGEN BOULDER INC.", A DELAWARE CORPORATION, WITH AND INTO "AMGEN INC." UNDER THE NAME OF "AMGEN INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTY-FIRST DAY OF DECEMBER, A.D. 1997, AT 10 O'CLOCK A.M.



*Edward J. Freel*  
Edward J. Freel, Secretary of State

9640966

AUTHENTICATION:

03-22-99

DATE:

2106150 8100M

991108779

**CERTIFICATE OF OWNERSHIP AND MERGER**

of

**AMGEN BOULDER INC.**

(a Delaware corporation)

with and into

**AMGEN INC.**

(a Delaware corporation)

It is hereby certified that:

1. Amgen Inc. (the "Corporation") is a corporation of the State of Delaware.
2. Amgen Boulder Inc., a Delaware corporation ("Amgen Boulder"), is a wholly-owned subsidiary of the Corporation.
3. The Corporation, as the owner of at least 90% of the outstanding shares of stock of Amgen Boulder, does hereby merge Amgen Boulder with and into the Corporation.
4. This Certificate of Ownership and Merger constitutes a plan of complete liquidation of Amgen Boulder pursuant to Section 332 of the Internal Revenue Code of 1986, as amended ("Section 332").
5. The following is a copy of the resolutions adopted on December 31, 1997 by unanimous written consent of the Board of Directors of the Corporation with respect to the merger of Amgen Boulder with and into the Corporation (the "Merger"):

**RESOLVED**, that Amgen Boulder be merged with and into the Corporation pursuant to Section 253 of the Delaware General Corporation Law as hereinafter provided, so that the separate existence of Amgen Boulder shall cease as soon as the Merger shall become effective, and thereupon the Corporation and Amgen Boulder will become a single corporation with the Corporation as the surviving corporation, which shall continue to exist under, and be governed by, the laws of the State of Delaware;

**RESOLVED FURTHER**, the Merger shall be treated as a tax-free liquidation pursuant to Section 332;

**RESOLVED FURTHER**, the Certificate of Ownership and Merger setting forth a copy of these resolutions shall be effective upon the filing thereof with the Secretary of State of the State of Delaware; and

**RESOLVED FURTHER**, that the Chief Executive Officer, President, Chief Financial Officer and Senior Vice President, General Counsel of the Company, and the Secretary

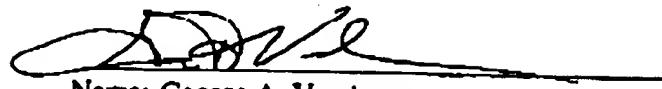
or Assistant Secretary of the Company acting in conjunction with any such officers, be and they hereby are authorized and directed to make and execute a Certificate of Ownership and Merger ("Certificate of Ownership and Merger"), in the form set forth as Exhibit A hereto, setting forth a copy of these resolutions to merge Amgen Boulder into the Corporation, and to cause the same to be filed and recorded as provided by law, and to do all acts and things whatsoever, within the State of Delaware and in any other appropriate jurisdiction, necessary or proper to effect the Merger.

6. The Certificate of Ownership and Merger and the Merger shall become effective upon the filing of such Certificate of Ownership and Merger with the Secretary of State of the State of Delaware.

[Signature Page to Follow]

Signed on December 31, 1997

AMGEN INC.



Name: George A. Vandeman  
Title: Senior Vice President, General  
Counsel and Secretary

S-1

ABX-Ctl of Merger

(TUE) 12.30.97 15:47/ST. 15:41/NO. 4261284509 P 4

#2

FROM LATHAM & WATKINS LA